

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

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ELAINE L. CHAO, Secretary of Labor, *
United States Department of Labor, *
*
Plaintiff, *
*
v. * CIVIL ACTION
BRIAN M. ANGER, NDI INTERNATIONAL, INC. *
and **NORTHEAST DISPLAY, INC. 401(K) SAVINGS** *
AND INVESTMENT PLAN, *
*
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*
*
Defendants. *

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SECRETARY OF LABOR'S MOTION TO EXTEND ORDER FREEZING 401(k) PLAN
ACCOUNT BALANCE OF BRIAN M. ANGER

Now comes Plaintiff Elaine L. Chao, Secretary of Labor, U.S. Department of Labor, ("the Secretary") and hereby moves to extend the terms of its Order entered July 2, 2004 freezing Brian M. Anger's account balance in the Northeast Display, Inc. 401(k) Savings and Investment Plan (the "Plan"). As grounds for this Motion the Secretary states as follows:

1. By Order of this Court dated July 2, 2004, Brian M. Anger's Plan account balance was frozen for a period of 90 days. The freeze on Mr. Anger's account balance will expire on September 30, 2004.
2. Since the entry of the Order referenced at paragraph 1, counsel for the Secretary and counsel for Mr. Anger have engaged in settlement discussions and expect to reach a settlement of all issues in this matter within the next sixty (60) days;

3. Based upon the parties anticipated settlement of this matter, the Secretary requests that the Court enter an Order freezing Mr. Anger's Plan account balance for an additional 60 days in order that the parties may negotiate the terms of, and file, final settlement documents;

4. In accord with the Court's previous Order, the Secretary's moves that Mr. Anger's Plan account balance shall be retained by Manulife Financial Group, the plan custodian during the time the account balance is frozen;

5. The Secretary has consulted with counsel for Mr. Anger who interposes no objection to this Motion.

Respectfully submitted,
Elaine L. Chao
SECRETARY OF LABOR
By her attorneys,
Howard M. Radzely
Solicitor of Labor
Frank V. McDermott
Regional Solicitor

/s/ Maureen L. Canavan
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